

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

E-SMART TECHNOLOGIES INC., IVI SMART TECHNOLOGIES, INC. and BIOSENSOR LLC,

Plaintiffs,

-against-

THELEN REID BROWN RAYSMAN & STEINER LLP
(formerly THELEN REID & PRIEST LLP) and
DAVID B. RITCHIE,

Defendants.

08 CV 5379

Buchwald, J.

NOTICE OF MOTION TO REMAND

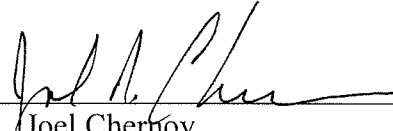
PLEASE TAKE NOTICE that upon the accompanying Memorandum in Support of Plaintiffs’ Motion to Remand, plaintiffs e-Smart Technologies, Inc., IVI Smart Technologies, Inc., and Biosensor LLC (collectively, “Plaintiffs”), by and through their attorneys, Dreier LLP, hereby move (the “Motion”) this Court before the Honorable Naomi R. Buchwald, United States District Judge, at the United States Courthouse, 500 Pearl Street, New York, New York, at such time as the Court directs, for an order, pursuant to 28 U.S.C. § 1447, remanding this action to the Supreme Court of the State of New York, New York County, and for such other and further relief as the Court deems just and proper.

PLEASE TAKE FURTHER NOTICE that responses or objections to the Motion, if any, shall be in writing, shall state with particularity the reasons for the response or objection, and shall be filed with the Court and served upon counsel for Plaintiffs, Dreier LLP, 499 Park Avenue, New York, New York 10022, attn: Joel A. Chernov, Esq., so as to be received on before September 3, 2008.

PLEASE TAKE FURTHER NOTICE that if you fail to respond in accordance with this Notice, the Court may grant the relief requested by the Motion without further notice or hearing.

Dated: New York, New York
August 18, 2008

DREIER LLP

By: 
Joel Chernov
499 Park Avenue
New York, New York, 10022
(212) 328-6100

*Attorneys for Plaintiffs
e-Smart Technologies, Inc., IVI Smart
Technologies, Inc. and Biosensor LLC*

AFFIDAVIT OF SERVICE

STATE OF NEW YORK)
)
COUNTY OF NEW YORK) ss.:

I, Kelly Doherty, being duly sworn, deposes and says:

1. I am over 18 years of age and reside in Island Park, New York.
2. On August 18, 2008, I caused to be served by hand delivery, a true copy of the Notice of Motion to Remand and Memorandum of Law in Support of Plaintiff's Motion To Remand upon:

Patterson Belknap Webb & Tyler LLP
1133 Avenue of the Americas
New York, New York 10036

Attorneys for Defendants


KELLY DOHERTY

Sworn to before me this
18th day of August, 2008


Notary Public

MARTIN BRECH
Notary Public, State of New York
No. 4977428
Qualified in Putnam County
Commission Expires April 20, 20 11